

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Judson Champlin on 5/06/2010.

The claims have been amended as follows:

Claim 1 has been amended as follows (note, deleted text is between square brackets, added text is underlined):

1. (currently amended) a cap with a storage space [for] containing a [secondary] material, comprising:

a storage portion having a storage space and provided with a seal plate formed on a lower end of the storage space;

an outer cap [foldably formed on the storage portion and] coupled to a spouting portion, the spouting portion [member] is [foldable] foldably formed on the storage portion, between a first position parallel with a top of the cap and a second position perpendicular with the top of the cap;

a spouting member inserted in the spouting portion and having an operational projection; and

an operational member coupled to the storage portion and [arranged to be] urged against the seal plate by the operationall projection, thereby breaking the seal plate when the spouting [member] portion is moved to the second position.

Claim 5, Line 1, "the operational member is fixed" has been changed to --the operational member is affixed--.

***Allowable Subject Matter***

Claims 1-5 are allowed.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DENE QUEST whose telephone number is (571)270-5624. The examiner can normally be reached on Mon-Fri 8am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ehud Gartenberg can be reached on (571) 272-4828. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dene Quest/  
Examiner, Art Unit 3728

/Ehud Gartenberg/  
Supervisory Patent Examiner, Art Unit 3728